

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**934 APPLN. FOR LEAVE TO APPEAL BY PVT. PARTY NO.76 OF  
2022**

**SARASWATI GRAMIN BIGAR SHETI SAHAKARI PATSANSHTHA  
MARYADIT, NIMAJ THROUGH SUDAM DNYANOBA GAWANDE  
VERSUS  
VILAS SHIVRAM GUNJAL AND ANOTHER**

Mr. K. N. Shermale, Advocate for the applicant  
Mr. P. N. Kutti, APP for the respondents/State

**CORAM : KISHORE C. SANT, J.**

**DATE : 19<sup>th</sup> JANUARY, 2023**

**P. C.**

1. In spite of service, none appears for the respondent.
2. Heard.
3. This is an application seeking leave to file an appeal against the acquittal challenging the order passed by the learned Addl. CJM, Sangamner, Dist. Ahmednagar dated 24-05-2022 in SCC No. 1544/2017 dismissing the complaint under Section 138 of the N. I. Act in default.
4. Learned advocate for the applicant submits that in fact the complaint was referred to Lok-Adalat for settlement on

(2)

**alp76.22**

07-05-2022. No settlement could be arrived at on that day. The matter was posted on 24-05-2022. On the very day the complaint came to be dismissed without giving sufficient opportunity to the complainant to prove his case.

5. Considering this, the application is allowed. Leave is granted. Appeal is admitted. Issue notice of admission to the respondents, returnable on 16-02-2023 indicating that the appeal will be heard finally on that day.

**[KISHORE C. SANT, J.]**

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